



**HAMILTON COUNTY**  
**LOCAL EMERGENCY PLANNING COMMITTEE**

317 OAK STREET, SUITE 302  
CHATTANOOGA, TENNESSEE 37403  
PHONE: (423) 209-6900 FAX (423) 209-6901

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**MINUTES**

**LEPC Meeting, January 9, 2002**

A meeting of the Hamilton County Local Emergency Planning Committee (LEPC) was held January 9, 2002 at the Country Place Restaurant, 7320 Shallowford Rd., Chattanooga, Tennessee.

**Those in attendance were:**

Bruce Garner, Chairman, Chattanooga Fire Department  
Larry Martin, Vice Chairman, McKee Foods  
Jamie Farrow, Vice Chairwomen, Conagra Poultry  
Dane Creel, Vice Chairman, Kraft Foods  
Richard Twitchell, Vice Chairman, Consultant  
Mike Poe, SOFIX Corporation  
Wayne Stuntz, Secretary/Treasurer  
Charles Chauncey, RACES  
C. R. Goodner, RACES  
Chuck Nichols, Chattanooga Fire Department  
Richard Taylor, TEMA  
Shirley Green, CARTA  
David Callahan Soddy Daisy Falling Water Utility Dist.  
Don Stafford, Eastside Utility Dist.  
Rick Nunley, TVA  
Errol Rekston, Air Pollution & Control Bureau  
Garish Patel, ALCO Chemical  
Amy Maxwell, Hamilton County Emergency Services  
George Sivils, DuPont Company  
Caroline Williams, League of Women Voters  
Jim Parks, Chattanooga Health Department

**Those in attendance: (Cont.)**

Michael James, Marion Environmental  
Chris McCormack, Marion Environmental  
Tim Nance, DPC Enterprises  
Terry Million, Dupont Company  
Tony Reavley, Hamilton County Emergency Services

**Call to Order:**

Chairman Bruce Garner called the meeting to order at 10:40 a.m. and welcomed all in attendance. Mr. Garner told the committee that Mayor Corker had a scheduling conflict and that he would most likely arrive at the meeting around noon. The Chairman said that the Mayor very much wants to address the LEPC committee.

The Chairman reminded the committee of the dutch treat lunch and that it would cost \$10.00 a person including the tip.

For the benefit of newcomers, the Chairman asked each person to introduce themselves before proceeding to Old Business.

**Old Business**

The Chairman asked if everyone had received the minutes of the previous meeting. All in attendance indicated they had. The Chairman then asked that the minutes be approved as written. There being no request for correction or discussion, Mr. Charles Chauncey moved to approve the minutes as written, seconded by Mr. Dick Twitchell followed by unanimous approval of committee members present.

The Chairman then asked the Treasurer for the LEPC financial report. Mr. Stuntz had previously disseminated copies of the financial report and informed the committee that it had been reconciled with the most current bank statement of Nov 21, 2001 through Dec 18, 2001. He said the current balance of the LEPC Account was \$16,252.66. A copy of the financial report is a matter of LEPC record.

The Chairman then asked if there was any other old business to discuss. No further old business was offered.

**New Business**

The Chairman told the committee that one of the things the LEPC was addressing were Risk Management Plans—that there are a number of facilities in town that are required to produce them and there are some updates the LEPC would like to make them aware of.

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To address these issues, the Chairman asked Ms Jamie Farrow of Conagra Poultry to discuss her company's recent audit since Conagra is an RMP facility. Ms. Farrow began by saying that the Federal Environmental Protection Agency (EPA) hired a private contractor to conduct audits of RMP facilities in the southeast region. Ms Farrow said that a contractor representative asked if Conagra was a member of the LEPC and "how active were they"? She also said that they asked if the local fire department had been invited to visit their facility? Ms Farrow said that the audit consisted of EPA providing guidance (an extensive checklist) for auditing RMP companies under the Clear Air Act. Ms Farrow said that anyone wanting a copy of the checklist to contact her and she would send it to them. She said that it basically outlines the 13 elements of the RMP program with specifics about each element.

Ms Farrow wanted to let everyone know that the LEPC plays a big role in the RMP program and that EPA takes that seriously. Jamie said "if you have not been audited yet and are an RMP facility—to "be prepared". She also said that the contractor has a year long contract to audit in this region.

The Chairman also introduced Mr. Errol Rekston, Hamilton County Air Pollution and Control Bureau to talk about EPAs concern of RMP facilities. Mr. Rekston said that the company contracted would audit a fair number of RMP companies in the region. He said that they are based in Atlanta and could easily drive to and from a facility in a day—no overnight stays. Mr. Rekston said that the RMP information had been taken off EPAs web-site as there was concern that the "Executive Summary" contained sufficient data to be of value to terrorist—therefore RMP company information would not be put back on the web-site.

The Chairman said that along the lines of RMP information, one of the things the LEPC is trying to do—through the Plans Subcommittee, was to e-file some fairly sensitive information about each facility and have it available to first responders, and if successful, is that we can keep some information proprietary so as not to become public information? Mr. Rekston's said that would be something a lawyer would have to address—that he did not have an answer for. Mr. Rekston said that was one of the concerns of the Bureau long ago—that they were not going to maintain that data because of public access—that the web-site was set up for the public to get anything they needed, so the question is, "Why would I want to keep it in my own agency?"

Mr. Rekston also said that the Bureau was subject to accepting confidential process data and is subject to open records. If someone wanted the information, the Bureau had to share that information. He said, "yes, many company's have confidential data—but the

Bureau couldn't protect it at that time." Mr. Rekston said that by contacting EPA, you can obtain a list of the RMP companies.

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The Chairman said that Ms. Amy Maxwell was in the process of contacting all known RMP facilities asking them to become members of the LEPC.

The Chairman then asked for Sub-committee's update reports. He called first on the Plans Subcommittee Chairman, Mr. Larry Martin. Mr. Martin said that there were ongoing efforts to develop an on-line filing capability for filing Tier II forms as well as the Facility Information Survey data. He said that this kind of fit in with the recent removal of RMP information from the EPA website—that there is quite a lot of information in the Facility Information Survey that refers to the "worse case" scenario—like location of chemicals, etc. Mr. Martin said that the important aspect of e-filing (on-line filing) would be the confidentiality of that information and the LEPC certainly does not want the public to gain access to that information.

Mr. Martin said that the Sub-committee was working with Mr. Bryan Turner of Hamilton County Information Tech Services and Thomas Cook of the Chattanooga Fire Department to develop HTML files to be filed on-line and opened by authorized persons with a password which would basically be first responders.

Mr. Martin continued to say that Tier II reports could be filed electronically but would not be made available to the public through the internet—that the LEPC Tier II Coordinator would be asked to run a copy of the Tier II report and charge for the services. He said that Thomas Cook was putting together a list of essential information to make data available on-line. Mr. Martin said that it would create a data base for future software programs for emergency responders—but, that the software had not been selected or budget approved at this time. He said that we hoped to inform Tier II reporting companies of on-line filing by the end of January to meet the March 1, 2002 deadline for Tier II submittal.

The Chairman said that the Chattanooga Fire Department is working towards this and that the LEPC would be a partner utilizing some of its funds to support buying software, laptop upgrades, etc. He said that this would require a vote from the LEPC committee. Mr. Garner said that we hope to come forward with something that will further the goal of having a response plan—a useable document that can be used in the field.

Mr. Charles Chauncey of the Radio Amateur Civil Service (RACES) asked the Chairman if there might be some fines off of EPA audits and that money used toward purchase of software to support these programs. Mr. Garner responded by saying that he had done some inquiries in the past but received a luke-warm response from EPA. He said that EPA came up with the Supplemental Environmental Projects (SEPs) where the LEPCs

did benefit—at the expense of the company being fined; that the LEPC did not force the audit—we were just the beneficiary of the misfortune of the company.

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Mr. Garner deferred to Vice Chair, Mr. Dane Creel of Kraft Foods who said that the Department of Justice (DOJ) has done that in some cases when there were fines assessed against some companies. He said that he would pursue other options through the DOJ.

The Chairman noted that Mr. David Darnell was not in attendance to provide an update on the Conference Sub-Committee. The Chairman, speaking on his behalf, said that David has agreed once again be the Conference Sub-committee Chairperson. Mr. Garner said that every year we apply for a grant that helps fund the Conference. He said this year we submitted an application through TEMA and that we recently received a letter from Mr. Bob Swabe, Director of TEMA East in Alcoa, TN. Mr. Garner said this year TEMA decided to split the grant up between the HMEP Grant and a Conference Grant.

He said this years HMEP Grant went to Sullivan County and the LEPC Conference Grant was awarded to Hamilton County in the amount of \$12,000.00. Mr. Garner said that Hamilton County competed with a number of counties in East Tennessee and that this will be our 6<sup>th</sup> Annual LEPC Conference—which has become quite popular.

The Chairman asked Mr. Richard Taylor, TEMA East, if he could elaborate on the selection process for the HMEP/LEPC Conference Grant. Mr. Taylor said that there was a push on for each region to have an LEPC conference—and offered that could be the reason the funds were divided, thus giving each region a shot at hosting a conference. Mr. Garner speculated that one of the reasons the Conference Grant went to Hamilton County was our track record for previous conferences. Mr. Garner went on to say that Mr. Darnell and Chief Chuck Nichols deserve a lot of credit for “pulling it off”.

The Chairman then asked Ms. Jamie Farrow to give an update on the Exercise Sub-Committee. Jamie, for the benefit of those in attendance who didn’t know that each year the LEPC tries to have a Fall exercise—**said** this past years exercise was to take place at Chattanooga Gas on November 7<sup>th</sup>. But, due to the events of September 11<sup>th</sup> and all the security concerns, it was cancelled. Ms. Farrow said that we have not set up another facility to host the Fall exercise (noting that it does take a lot of planning), but, **she** said that if any facility was interested in hosting a Fall exercise to let her know. Jamie also said that if anyone was interested in serving on the **sub**-committee—to let her know.

The Chairman said that we have had good luck with exercises in the past—that it has never been a “negative” for those companies that volunteer to do it, not only for the practice—in the unlikely event that something could happen at the facility, and, that the media coverage has also been good—proving that the company has been a good corporate neighbor.

The Chairman then said that the Programs Sub-Committee would be headed-up by Mr. Dane Creel. Dane said that he would be interested in hearing from each in attendance about the site selected for the January 9<sup>th</sup> meeting. The Chairman made an appeal to the committee saying that the accomplishments of Sub-committee's is not just limited to

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their input—that if the sub-committee chairperson asks for help or input, please consider it and offer it when you can as you are a big part of it. He said hopefully it's a group effort and would greatly appreciate your help on anything were trying to get done. Mr. Creel said that he would be interested in knowing if the Committee had any recommendations for speakers or topics that you **would** like to hear about in future meetings.

The Chairman then called on Amy Maxwell, co-chair of the Membership sub-committee. Ms. Maxwell mentioned said there are some RMP companies that were not members of the LEPC and that out of the 22 RMP facilities that were listed on the web site (before the site was deactivated), only 12 were LEPC members. Ms. Maxwell then introduced Mr. Don Stafford from Eastside Utility District and Mr. David Callahan of Soddy Daisy Falling Water Utility District. Ms. Maxwell said that she is still in the process of contacting/re-contacting RMP companies not currently members of the LEPC. Ms. Maxwell was asked "...how she was received when she contacted them, and did they know what the LEPC was about?" She replied that they were eager to learn about the LEPC and come to a meeting—that some knew about the LEPC and others did not. Amy also said that she mailed each a copy of the LEPC brochure and she would make follow-up calls.

The Chairman asked if there was any other "New Business" to discuss. Ms. Caroline Williams of the League of Women Voters offered the Chairman two pamphlets. Both pamphlets were prepared and published by the "League of Women Voters. One was titled "Simplified Parliamentary Procedure—based on Roberts Rules of Order, Newly Revised. Ms. Williams said that this publication would be very useful if you ever expected to conduct a meeting and that it cost \$1.00. The other pamphlet was a "Guide to Elected Officials for the Chattanooga-Hamilton County Area". Both are part of the LEPC minutes for this date.

The Chairman once again asked if there was any other "new business" to discuss. Ms. Caroline Williams asked the "when and where" question for the next LEPC meeting. The Chairman said that the next meeting would be March 13<sup>th</sup> at 10:30 a.m. and the location would be announced later. The Chairman said that lately we sort of got off track—that in the past we would try to get a company to host a meeting; tour its facility; conduct our meeting and sometimes the facility would offer lunch for 30-45 people. Bruce said that if anyone would be interested in hosting a future LEPC meeting to contact Dane Creel.

The Chairman again reminded everyone that the Mayor was **planning** to arrive by noon and asked everyone to stay—if they could, for the buffet lunch to follow.

The Chairman then asked for a motion to adjourn the meeting. Mr. Dick Twitchell made the motion—seconded by Mr. Charles Chauncey and approved by all other members present.